

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERNESTO SANTIAGO #90304038)	
P.O. BOX 8000)	
BRADFORD, PA 16701)	
)	
Plaintiff,)	Civil Action No. 05-153E
)	
v.)	JUDGE McLAUGHLIN
)	MAGISTRATE JUDGE BAXTER
JAMES F. SHERMAN WARDEN & BOP STAFF)	
P.O. BOX 5000)	ELECTRONICALLY FILED
BRADFORD, PA 16701,)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR AN ENLARGEMENT OF TIME TO FILE
PRETRIAL STATEMENT AND/OR MOTION FOR SUMMARY JUDGMENT**

AND NOW, comes the Defendants, James F. Sherman Warden and BOP staff (hereinafter referred to as "Defendants"), by their attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul E. Skirtich, Assistant United States Attorney for said District, and pursuant to Rule 6(b), file this Motion for an Enlargement of Time of Fourteen (14) Days to File a Pretrial Statement and/or Motion for Summary Judgment. In further support, Defendants aver:

1. Plaintiff *pro se* filed a case sounding in violation of his constitutional rights against the Warden of the Federal Correctional Institute at McKean, Pennsylvania, and other unnamed members of the Bureau of Prisons (BOP) staff when legal mail was opened out of his presence, and legal documents were illegally confiscated from his person. See Plaintiff's Complaint, para. 5, 23, 25, 26.

2. This Court scheduled Pretrial Statements and/or a Motion for Summary Judgment to be filed by July 10, 2006.

3. Defendants request this Court grant them additional time, fourteen (14) days, to file a potentially dispositive pleading.

4. Plaintiff is entitled to the orderly development of his case but will not suffer prejudice from this brief delay.

5. Due to Plaintiff's *pro se* and incarcerated status, his position as to this Motion was not obtained.

WHEREFORE, based upon the above, Defendants ask this Court to grant their Motion for an enlargement of time of fourteen (14) days to file their Pretrial Statement and/or a potentially dispositive motion.

Respectfully submitted,

MARY BETH BUCHANAN
UNITED STATES ATTORNEY

s/Paul E. Skirtich
PAUL E. SKIRTICH
Assistant United States Attorney
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Defendants' Motion for an Enlargement of Time to File a Pretrial Statement was electronically filed and/or served by first-class mail, postage-prepaid, on this 10th day of July, 2006, to the following:

Ernesto Santiago
Plaintiff *Pro Se*
Reg. No. 90304-038
FCI McKean
Post Office Box 8000
Bradford, PA 16701

s/Paul E. Skirtich
PAUL E. SKIRTICH
Assistant U.S. Attorney